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Attorney for Defendant  
ROBERT CORTEZ MARSHALL

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA, ) 2:19-cr-00270-JAD-BNW-1  
v. )  
Plaintiff, )  
ROBERT CORTEZ MARSHALL, ) STIPULATION AND PROPOSED  
Defendant. ) ORDER TO CONTINUE PRETRIAL  
MOTIONS ONLY  
( First Request)

IT IS HEREBY STIPULATED by and between ROBERT CORTEZ MARSHALL, Defendant, by and through his counsel OSVALDO E. FUMO, ESQ, and the United States of America, TONY LOPEZ, Assistant United States Attorney, that pretrial motions in the above-captioned that was previously due on March 6, 2020 at the hour of 5:00 p.m., be vacated and continued for two weeks (03/20/2020) or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Counsel for defendant has spoken to his client and he has no objection to this continuance.
2. Defendant is currently out on Pretrial Release.
3. Counsel has spoken to AUSA Tony Lopez and he has no objection to the continuance.

4. Counsel needs additional time to review discovery with client.
5. Counsel require additional time to determine whether any pretrial motions necessary.
6. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence.
7. Additionally, denial of this request for continuance would result in a miscarriage of justice.
8. For all the above-stated reasons, the ends of justice would best be served by a continuance of the pretrial motion date.
9. This is the first request for a continuance of the pretrial motions in this case.

DATED this 10th day of March 2020.

PITARO & FUMO, CHTD.

UNITED STATES ATTORNEY

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OSVALDO E. FUMO, ESQ.  
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ATTORNEY FOR DEFENDANT  
ROBERT CORTEZ MARSHALL

/s/  
TONY LOPEZ, ESQ.  
ASSISTANT UNITED STATES ATTORNEY  
501 LAS VEGAS BOULEVARD SOUTH. #1100  
LAS VEGAS, NEVADA 89101

1 UNITED STATES OF AMERICA, ) 2:19-cr-00270-JAD-BNW-1  
2 )  
3 Plaintiff, ) FINDINGS OF FACT AND  
4 ) CONCLUSIONS OF LAW  
5 v. )  
6 ROBERT CORTEZ MARSHALL, )  
7 Defendant. )  
----- )

8 FINDINGS OF FACT

9 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
10 Court finds:

11 This Stipulation is entered into for the following reasons:

- 12 1. Counsel for defendant has spoken to his client and he has no objection to this  
13 continuance.
- 15 2. Defendant is currently out on Pretrial Release.
- 16 3. Counsel has spoken to AUSA Tony Lopez and he has no objection to the  
17 continuance.
- 18 4. Counsel needs additional time to review discovery with client.
- 20 5. Counsel require additional time to determine whether any pretrial motions necessary.
- 21 6. Denial for this request for continuance would deny the parties herein time and the  
22 opportunity within which to effectively and thoroughly research and prepare for trial  
23 in this case, taking into account the exercise of due diligence.
- 24 7. Additionally, denial of this request for continuance would result in a miscarriage of  
25 justice.
- 27 8. For all the above-stated reasons, the ends of justice would best be served by a  
28 continuance of the pretrial motion date.

This is the first request for a continuance of the pretrial motions in this case.

## **CONCLUSIONS OF LAW**

The end of justice served by granting said continuance outweigh the best interest of the public and defendants in a speedy trial since the failure to grant said continuance would likely result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. 3161(h)(8) (A), considering the factors under title 18 U.S.C. 3161 (h)(8)(B)( i) and 3161 (h)(8)(B)(iv).

## ORDER

**IT IS FURTHER ORDERED** that the parties herein shall have to and including

3/20/2020 \_\_\_\_\_, within which to file any and pretrial motions and notice of defense.

## IT IS SO ORDERED

**DATED: March 13, 2020**

**BRENDA WEKSLER**

UNITED STATES MAGISTRATE JUDGE